

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

ESTES INNOVATIVE AND WAREHOUSING,
A DIVISION OF ESTES EXPRESS LINES, INC.,

Plaintiff

V.

HOMETEX DESIGN, INC.,

Defendant

CIVIL ACTION
NO. 05-10036 NG

**MILITARY AFFIDAVIT AS TO DEFENDANT
HOMETEX DESIGN, INC.**

County of Suffolk }
Commonwealth of Massachusetts } ss.

Wesley S. Chused, upon oath, deposes and states that he is counsel for the plaintiff, Estes Innovative and Warehousing, A Division of Estes Express lines, Inc., and that the defendant, Hometex Design, Inc., is not an infant or incompetent person and is not in the military service of the United States or its Allies, as defined in the Soldiers' and Sailors' Relief Act of 1940, as amended, but is at present a corporation doing business at 18 Pocasset Street, Fall River, Massachusetts.

Signed under the penalties of perjury this 1st day of March 2005.

/s/ Wesley S. Chused
Wesley S. Chused